Matthew D. O'Conner, WSBA 27061 Honorable Judge Samuel J. Steiner 1 DATE: March 11, 2011 Law Office Of Matthew D. O'Conner TIME: 9:30 a.m. 8011 Greenwood Avenue North 2 Seattle, WA 98103 Chapter 11 3 LOCATION: Seattle Tel: (206) 782-0722 Fax: (206) 783-0233 RESPONSE DUE: March 10, 2011 4 5 6 7 8 9 UNITED STATES BANKRUPTCY COURT FOR THE 10 WESTERN DISTRICT OF WASHINGTON 11 AT SEATTLE 12 In re: IN CHAPTER 11 PROCEEDING 13 NO. 10-19817 Adam R. Grossman, 14 DEBTOR'S MOTION TO CONVERT 15 Debtor. CHAPTER 11 CASE TO CHAPTER 13 16 17 Pursuant to 11 U.S.C. § 1112(b)(2), Adam R. Grossman, the Debtor in this matter, by 18 19 his undersigned attorney, requests entry of an order converting his chapter 11 case to one 20 under chapter 13 pursuant to 11 U.S.C. § 1112(d) on the following grounds: 21 The captioned chapter 11 case was filed on August 19, 2010. The Debtor has not been 22 discharged under section 1141(d) of this title. The Debtor was qualified at the time of the 23 24 filing of this chapter 11 case to file under chapter 13 of the code and Debtor is, now, still 25 qualified to file under chapter 13 of the code. Debtor listed his (now) former spouse's real 26 property (6821 – 39th Ave. NE) individual debt among Debtor's Schedule D "Creditors 27 Holding Secured Claims." As became clear in Debtor's King County Superior Court 28 DEBTOR'S MOTION TO CONVERT LAW OFFICE OF

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> > Pg. 1 of 3

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dissolution proceeding, Debtor's former spouse was the sole obligor on the loan (Deed of Trust) for 6821 – 39th Ave. NE. Debtor has filed Amended Schedules A and D to reflect this fact. Accordingly, at the time of the filing of this chapter 11 proceeding, Debtor was eligible to file under chapter 13 of the code and remains so eligible today. Debtor will submit a chapter 13 repayment plan that is both feasible and confirmable.

Not only is Debtor eligible to convert to a Chapter 13 case, courts have "repeatedly emphasized Congress's preference that individual debtors use Chapter 13 instead of Chapter 7." In re Bateman, 515 F.3d 272, 59 Collier Bankr.Cas.2d 169 (C.A.4 Md., 2008) citing In re McDonald, 205 F.3d 606, 614 (3d Cir. 2000); In re Bartee, 212 F.3d 277, 284 (5th Cir. 2000). Converting this case to a Chapter 13 case would serve that congressional intent. Congress prefers repayment plans over liquidations (In re Gagne, 394 B.R. 219, 224, Bankr. L. Rep. P 81,336 (1st Cir.BAP Me., 2008)) because, in part, unsecured creditors often receive more money under successful Chapter 13 plans than they would under a Chapter 7 liquidation bankruptcy. In re McDonald, 205 F.3d 606, 614 (3d Cir.2000).

THEREFORE, the Debtor requests that this Court enter an Order that this case be converted to one under chapter 13 of the Bankruptcy Code.

DATED at Seattle, Washington this 4<sup>th</sup> day of March, 2010.

DEBTOR'S MOTION TO CONVERT CHAPTER 11 CASE TO CHAPTER 13 - PAGE 2 OF 3

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1	By: <u>/s/ Matthew D. O'Conner</u> Matthew D. O'Conner, WSBA# 27061
2	Attorney for Debtor
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4	Copies to:
5	Chapter 11 Trustee, Ronald G. Brown
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7	Attorney for Chapter 11 Trustee, Denice E. Moewes
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DEBTOR'S MOTION TO CONVERT CHAPTER 11 CASE TO CHAPTER 13 - PAGE 3 OF 3

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Matthew D. O'Conner, WSBA 27061 Honorable Judge Samuel J. Steiner 1 Law Office Of Matthew D. O'Conner DATE: March 11, 2011 8011 Greenwood Avenue North TIME: 9:30 a.m. 2 Seattle, WA 98103 Chapter 11 3 Tel: (206) 782-0722 LOCATION: Seattle Fax: (206) 783-0233 RESPONSE DUE: March 10, 2011 4 5 6 7 8 9 10 11 UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF WASHINGTON 12 AT SEATTLE 13 14 In Re: IN CHAPTER 11 PROCEEDING NO. 10-19817 15 16 ORDER CONVERTING CHAPTER 11 Adam R. Grossman, CASE TO CHAPTER 13 17 Debtor. 18 19 THIS MATTER having come on for hearing before the court on shortened time upon 20 21 the Debtor's motion to convert this chapter 11 case to one under chapter 13 of the 22 Bankruptcy Code; this court having reviewed the file and record herein and having 23 determined that the Debtor has a right to convert this case to one under chapter 13, pursuant 24 25 to 11 U.S.C. § 1112(d), now, therefore, it is hereby: 26 ORDERED that this case be and is hereby converted to one under chapter 13 of the 27 Bankruptcy Code. 28 ORDER CONVERTING CHAPTER 11

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3	DATED this day of March, 2011.
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7	HONORABLE JUDGE SAMUEL J. STEINER
8	U.S. Bankruptcy Judge
9	Dragantad Dry
10	Presented By:
11	/s/ Matthew D. O'Conner Matthew D. O'Conner, WSBA# 27061 Attorney for Debtor
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13	Attorney for Debtor
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17	Copies to:
18	Chapter 11 Trustee, Ronald G. Brown
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20	Attorney for Chapter 11 Trustee, Denice E. Moewes
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	ORDER CONVERTING CHAPTER 11  CASE TO CHAPTER 13 - PAGE 2 OF 2  LAW OFFICE OF MATTHEW D. O'CONNER

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